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EDUCATION WEEK

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Dwindling U.S. Dairy Surpluses Squeeze Menus and Boost Costs

By Deborah L. Cohen

An unusual combination of market forces and federal policies has left school food-service officials across the country scrambling to keep lunch costs down—without sacrificing some of their most popular offerings.

But in some locales, they may be fighting a losing battle—particularly in regard to cheese.

Students in New York City school cafeterias, for example, are having to learn to love "orange" pizza—a variety made with cheddar instead of the standard mozzarella.

And in Utica, Mich., pupils are reluctantly sampling "folded pizza," a cost-saver that has pleased few.

In other parts of the country, the more traditional-style pizzas that have long been a staple of school-lunch menus are being served less frequently, as are macaroni and cheese, cheeseburgers, grilled cheese, and other popular entrées.

Officials blame their predicament primarily on a dwindling supply of the surplus cheese that the federal government has been donating to schools for several years as a "bonus" commodity.

Mary Klatko, chairman of the public policy and legislative committee of the American School Food Service Association, estimated last week that about half of the nation's school systems have large enough inventories of cheese to last until the end of the year.

"The other half have already used their supply and are making adjustments," she said. "I think all of us will be in the same boat next year."

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Jeffrey High

In some areas, students are seeing pizza, macaroni and cheese, and cheeseburgers on menus less frequently.

High Court Says Drug-Test Rules Are Permissible

Public-Safety Issue Cited in 2 Rulings

By Tom Mirga

WASHINGTON—The U.S. Supreme Court voted 7 to 2 last week to uphold federal drug- and alcohol-testing requirements for railroad workers involved in accidents.

But the Court upheld a similar drug-testing requirement for Customs Service employees who carry guns or are involved in drug interdiction by only a 5-to-4 margin. And it ordered a lower court to hold additional hearings on whether workers in the agency who handle classified documents can be forced to take such tests.

The narrowly crafted rulings in the two cases were the first by the Court on the sensitive issue of drug testing. They are expected to be followed by a series of decisions in which the Justices will try to further balance the Fourth Amendment right of workers to be free from unreasonable searches against employers' interest in maintaining a drug-free workplace.

The drug-testing debate has become increasingly heated in the field of education as the number of school districts adopting policies affecting students and teachers, bus drivers, and other employees grows.

In addition, the Interior Department has announced plans to test some 3,600 teachers and other workers in Bureau of Indian Affairs schools, and the Education Department says it intends to test about 200 employees ranging from Presidential appointees to chauffeurs.

A federal district judge has issued an injunction blocking the B.I.A. program from taking effect, and the union representing E.D. workers says it will seek a similar curb.

Writing for the majority in the railroad case, *Skinner* v. *Railway Labor Executives'*

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Private Schools' Compliance Low In Asbestos Tally

By Ellen Flax

WASHINGTON—More than one in five schools missed the first deadline of the federal asbestos law, the Environmental Protection Agency reported last week.

Of the 79 percent of all U.S. schools that met the deadline, about half submitted asbestos-management plans and half asked permission to submit them by a later date, the agency said.

Most of the 21 percent that missed the deadline were private institutions. According to the E.P.A. report, as of the Oct. 12, 1988, deadline date, those schools had neither submitted a management plan to state authorities explaining how they were going to remove or control their asbestos, nor asked for a deferral of up to seven months.

Schools that missed the deadline will receive a "notice of noncompliance" from the agency and will have 60 days to document their efforts. Those that persist in noncompliance, the agency has said, could face fines as high as $5,000 a day.

The compliance rate of private schools may have been lower, said Carol Ruppel, the executive assistant at the Council for American Private Education, because some lacked the information, money, and personnel to accomplish all of the law's required tasks.

"There are a lot of private schools that don't always have a good information network," she said.

"And public schools can float bonds to pay for this," she added. "Private schools can't."

The stringent asbestos law adopted by the Congress in 1986 required that every school in the nation be inspected for asbestos. It required school officials to submit management plans by last fall and to begin implementing their plans by July 1989.

Continued on Page 18

Some Are Seeing Computer 'Magic' In a New, But Costly, Software Tool

By Peter West

INDIAN HILL, OHIO—With the click of a switch, Joseph F. Hofmeister "thumbs through" an electronic term paper—complete with text, graphs, sound effects, and a set of animated maps.

The paper, written by the computer teacher's son Craig for a 9th-grade history class at the Cincinnati Country Day School here, has helped radically redefine how computers are used at the school.

Craig's account of Hannibal's crossing of the Alps was shaped according to his mental associations. He created a computer graph, for example, showing the peak flood stages of the rivers the warrior had to cross, and linked that graph with a map of the terrain. He inserted those illustrations into the part of his text describing the physical difficulties of the topography; in passages about Hannibal's elephants, Craig inserted the sounds of trumpeting.

Readers of Craig's paper, by clicking the computer's remote switch—called a "mouse"—can see instantly how the writer linked ideas and images. But they, too, are free to go through the paper's contents in whatever way they wish, freed from the linear logic that underlies most computer software.

The paper was created using HyperCard,

Continued on Page 21

High-Stakes Testing

Aiming at 'Consumer Information'

Second of two articles on the role of standardized tests in policymaking.

By Robert Rothman

ST. PAUL—When Gov. Rudy G. Perpich of Minnesota talks about testing, he often harks back to his days as a dental student.

Most dental schools in the state, he recalls, spent a great deal of time teaching how to insert gold foil in teeth, even though dentists seldom employ that technique.

This mismatch between teaching and practice occurred, he says, because the state dental board's examination, which was required for certification, contained questions on gold foil.

"Everything was focused on the state board" exam, he notes, adding that "we might be better dentists" if it had focused on other techniques.

Now, Governor Perpich has proposed a test for 6th and 10th graders that could have at least as strong an influence on elementary and secondary schools as the state dental-board examination had on dental schools.

In fact, some say the test could become one of the most powerful in the country. Because of the state's new "open enrollment" law, they point out, Minnesota test scores will be the first in the nation to be used as "consumer information" by par-

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Also in the news

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The Milwaukee Archdiocese may cede control of four inner-city elementary schools to an unusual nonprofit corporation.

5 **Making Dropout Statistics Comparable Among States**
After years of work by state and federal officials, a uniform definition of "dropout" is ready for a pilot testing.

10 **Superintendency Battles: Appointed or Elected?**
In six Southern states, legislators try to convince the public that appointing local chiefs is not "anti-democratic."

IN SUMMARY

New York Anti-Drug Debate
Religious schools in New York City are challenging the school system's decision not to provide federally funded on-site drug counseling for their students. **Page 5.**

Hard Times in East St. Louis
Faced with a deepening fiscal crisis, the East St. Louis, Ill., school board decided late last week not to proceed immediately with plans to lay off 600 employees—a third of its work force. **Page 5.**

English Education's 'Fresh View'
A new report by a coalition of English groups calls for a different approach to teaching the subject, by broadening the scope of instruction and making students active learners. **Page 8.**

Generations Clash in Arizona
Efforts to reduce a property tax that disproportionately affects retirement communities are stirring debate about the duty of the state's large elderly population to help pay for schools. **Page 10.**

Vocational Plan Outlined
The Bush Administration would like to see performance standards set for federally supported vocational-education programs, Secretary of Education Lauro F. Cavazos told a House panel last week. **Page 15.**

Holocaust-Study Mistakes
Secretary of Education Lauro F. Cavazos has conceded to lawmakers that the department acted unfairly in denying funds for a controversial curriculum on the Holocaust. **Page 15.**

Civil-Rights Panel in Turmoil
The White House reportedly is considering replacing William Barclay Allen as head of the U.S. Commission on Civil Rights, which itself faces an uncertain future in the Congress. **Page 16.**

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ACROSS THE NATION

NATIONAL

Some Districts Return Apples To School-Lunch Programs

School officials in Los Angeles, Miami, Chicago, and other districts began to return apples to their lunch menus last week, after confirming that their fruit did not contain a potentially harmful chemical used by some apple growers.

And New York City school officials said they expected to return apples to the lunch program by early April.

Dozens of districts had stopped serving apples and apple products after an environmental group's report linked the chemical, Alar, with an increased risk of cancer in children. But on March 16, three federal agencies called on school districts to continue using the fruit, saying that Alar posed no "imminent hazard" to children. *(See Education Week, March 22, 1989.)*

Meanwhile, the U.S. Food and Drug Administration moved to ease restrictions placed on importation of Chilean fruit following the discovery of small amounts of cyanide in two grapes.

In a related development, officials of the U.S. Environmental Protection Agency last week confirmed that an unreleased staff study recommends barring the use of aldicarb—a common pesticide—on potatoes and imported bananas because it could endanger infants and children.

Exposure to the chemical, which is found on a small percentage of potatoes and bananas in markets, has been linked with flu-like symptoms and gastrointestinal problems, the study said.

■ **The number of confirmed measles cases is running at more than twice last year's rate,** according to Centers for Disease Control statistics.

Nearly 1,100 cases have been confirmed so far this year, C.D.C. officials said last week.

Officials noted that the disease has been found most often among two distinct groups: students from junior-high-school through college age, who may have been immunized with a less-effective vaccine used before 1980, and inner-city, preschool-age children who may not have been vaccinated.

According to the C.D.C., many additional cases of the disease have been reported but not confirmed. Some 1,200 cases have been reported in Houston since the fall, and more than 900 in Los Angeles over the past year and a half.

STATES

State Failed To Fund Mandates, Worcester, Mass., Charges

The state of Massachusetts has failed to live up to its constitutional obligation to fund mandated education programs, the city of Worcester charges in a lawsuit filed this month.

"We cannot continue to adhere to legislative and regulatory requirements without funding, and then be told we're in violation," said Mayor Jordan Levy. "You can't have it both ways."

Since 1981, when Proposition 2½ limited local property-tax increases, Mr. Levy said, the state has failed to reimburse Worcester for $5.1 million in costs the city incurred to comply with mandates to construct architectural barriers, to place foster children, and to provide counseling, transportation, special education, and bilingual education.

Without additional state aid, he added, the city will be unable to accommodate its growing school population. Worcester has raised taxes to the legal limit, he noted.

Minnesota Court Upholds Law Requiring School Reports of Abuse

The Minnesota Supreme Court has upheld a controversial state law that requires school officials to report any suspected cases of child abuse.

The March 17 decision stemmed from a case involving a Washington County elementary-school principal who was charged under the 1975 law for failing to report allegations that a teacher was sexually abusing students.

The case was brought to the state's highest court after a lower court dismissed the misdemeanor charges against the principal, Curtis L. Grover, saying that the reporting statute was unconstitutionally vague.

In St. Paul, meanwhile, school employees seeking to report suspected child abuse have been directed to call the local police, instead of contacting county child-protection workers as they have in the past.

Superintendent David Bennett said he decided to ask teachers and administrators to go directly to the police after reviewing the handling of "five or six" such cases previously reported by school authorities.

"It was not uncommon to see cases closed without ever contacting parents or getting into the home to see what was going on," he said. "Police just have greater initial access to persons or property."

■ **The Kentucky Board of Education has adopted a model sex-education curriculum opposed by John Brock, the state superintendent.**

The curriculum calls for discussion of birth-control methods beginning in the 8th grade.

Mr. Brock had proposed a course of study that stressed abstinence and touched on contraception only in the context of marriage and family planning and only in grades 9-12.

Mr. Brock said the discussion of contraceptives would send students mixed signals about premarital sex. There is little evidence to show that information on contraception affects adolescent sexual activity, he argued.

Data Processors Skunked

For a day or two, the foul stench permeating the administrative offices of the Las Cruces, N.M., school district's data-services department was just a joke that gave employees an excuse for taking long lunches.

After a while, though, the malodorous secretions of the skunk that had made its home under the building began to take a toll on the seven staff members, explained Jerry Cavatta, the director of data services.

The skunk had gotten under the foundation of the over 60-year-old rehabilitated farmhouse through ventilation holes, Mr. Cavatta said.

In the beginning, he recalled, "just walking on the floors would scare the skunk" and result in a fresh supply of the pungent spray. "Some days the smell wasn't real severe, but on other days we would have to find some other place to work."

Professional trappers, Agriculture Department trappers, and exterminators tried for three weeks, without success, to force the skunk's departure. Finally last week, the data-services staff was relocated to a remodeled warehouse.

Peter Steiner

"For me, a city boy," remarked Mr. Cavatta, "it was an incredible experience." That such "a little varmint" could create such a strong odor and so much upheaval is amazing, he said, adding: "In this day and age, one would think we'd know some trick for dealing with the smell."

No such luck. The skunk—now happily ensconced in his personal farmhouse—won the territorial battle hands down.

—J.W.

The curriculum adopted by the board was developed by a task force appointed by Mr. Brock. The model curriculum will be sent to school districts, but local officials will have the option of altering it. State law requires all districts to offer sex education instruction by January 1990.

■ **A comprehensive policy for curbing alleged abuses by New York State proprietary schools** has been proposed by the state Board of Regents.

The board's recommendations, scheduled to be transmitted formally to the legislature this week, seek to correct what critics have called a widespread pattern of deceptive recruitment, improper admissions, low program quality, and misuse of state and federal student-aid programs by career schools in the state.

Among the strategies put forward by the board were: independent counseling and evaluation of potential trade-school students; remedial help for those unable to benefit from training because of lack of basic skills; stronger refund requirements for students who do not finish training; establishment of a separate state aid program for vocational students; and development of performance standards for schools.

■ **Limited-English-proficient students in Connecticut are staying in bilingual-education classes longer than officials would like,** according to a state evaluation.

But the students are performing better than pupils in previous years when they do make the transition to all-English classrooms, the study indicates.

Only 8 percent of the 9,000 students enrolled in bilingual-education classes exited the program on the basis of English proficiency in the 1987-88 school year, it found.

The evaluation shows that students spent an average of four years in the bilingual-education classes, although nearly half spent less than three years.

Robert Margolin, director of education-support services for the state education department, attributed the low exit rate to several factors. He noted that many students enter the program with "a lack of mastery of even their native language" and that large numbers, as a result of frequent family moves, do not remain in the program long enough to master English.

The report notes, however, that students exiting the program after attaining English proficiency scored at or above the national norm on various standardized tests when they entered mainstream classes.

DIMENSIONS

Schooling and Earnings

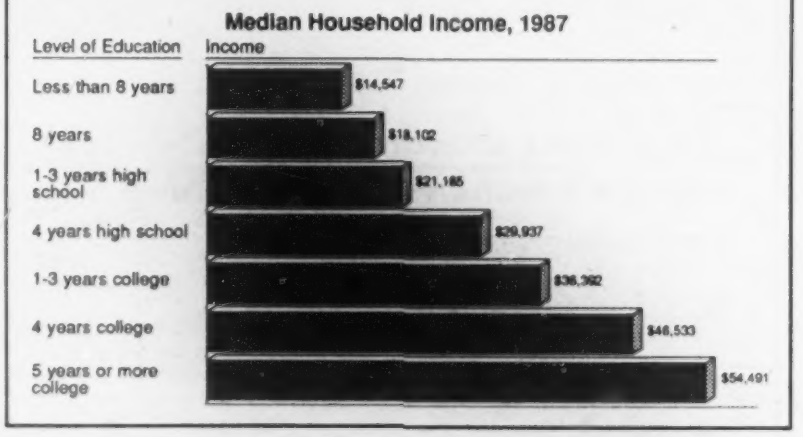
A new report by the U.S. Census Bureau provides further evidence of the strong relationship between educational attainment and future-earnings potential.

The bureau's survey of 1987 family income found that annual income increased sharply with each additional level of schooling completed by the head of the household.

Median household income ranged from $14,547 for those in which the chief earner had less than an 8th-grade education, to $54,491 for those headed by a person with a college degree and at least one year of graduate work.

The survey also correlated educational attainment with the ability of families to maintain their incomes from year to year. The 3.2 million families headed by a person who had completed 8th grade lost an average of 5.7 percent of their real, or inflation-adjusted, income between 1986 and 1987, while the 10.5 million whose chief earner had from one to three years of college gained in 1987 an average of 2.6 percent over the preceding year.

Copies of "Money Income of Households, Families, and Persons in the United States: 1987" (Series P-60, No. 162; 803-005-30008-1) are available for $11.00 each from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.



DISTRICTS

Failure to Spend Dropout Funds Costs D.C. Officials Their Posts

Two school officials in the District of Columbia were reassigned and another lost his job last week after revelations that the district has spent less than 1 percent of a $395,000 grant for dropout prevention.

The director of the dropout program told officials that he had been unable to hire the personnel needed to implement the major objective of the one-year federal grant—the creation of individualized education plans for 400 at-risk junior-high-school students.

The dropout director was forced to resign when it was revealed that he had ended that portion of the grant program without seeking clearance from the district's superintendent, Andrew E. Jenkins.

The deputy superintendent, Cecile Middleton, and one of her assistants were also reassigned when the school board demanded action after learning of the unspent funds.

Mismanagement of the dropout program is the latest and most serious of a series of charges leveled at Mr. Jenkins by board members dissatisfied by his performance after nine months in the post.

■ **A 14-year-old high-school student in Jefferson City, Mo., shot and killed himself March 15 during class,** according to a district spokesman.

School officials said they had not yet determined why Donald Payne committed suicide, but they noted that he had been receiving counseling for an emotional problem.

There were 21 other students in the classroom at the time of the shooting, the spokesman said.

■ **A new District of Columbia law setting a curfew for those under age 18 was blocked last week** by a federal judge.

The local chapter of the American Civil Liberties Union had filed suit against the city, charging that the law violates young people's constitutional right of free association, according to Elizabeth Symonds, a staff attorney for the chapter.

U.S. District Judge Charles R. Richey last week granted a 10-day temporary restraining order barring enforcement of the law.

■ **A North Carolina school board's plan to move from an at-large representation system to one in which board members will represent specific districts has been approved by a federal judge.**

The settlement came in a lawsuit filed against the Nash County board of education by minority plaintiffs, who agreed with the board's efforts to switch to the new system.

The board, all of whose current members are white, designed the plan to attract minority representation by creating three districts that have a majority black population.

The board called for the lawsuit because it was concerned that the legislature might not approve the change, said Anthony W. Brown, the lawyer for the plaintiffs.

PEOPLE

■ **Terry Weeks**, the National Teacher of the Year for 1988, last week accepted a teaching and training position with Middle Tennessee State University.

Mr. Weeks, 38, said that he left his job in the Rutherford County, Tenn., school system in order to accommodate the many offers of speaking engagements that continue to "pour in."

His frantic schedule as a spokesman for educational excellence, he said, allowed him to teach only one hour last year—for the benefit of Japanese television news cameras.

Mr. Weeks has taught 7th-grade social studies in Murfreesboro for the past 15 years.

The winner of the 1989 Teacher of the Year competition is scheduled to be announced next week.

■ The Chicago Board of Education has voted to extend the contract of Superintendent **Manford Byrd Jr.** for one year.

The terms of Mr. Byrd's contract also allow him to be replaced, however, if a new superintendent is found during that period, school officials said.

Mr. Byrd, whose contract was due to expire last Friday, will thus lead the school system during at least the first part of its transition to the school-based governance model mandated by the legislature last fall.

Both Mr. Byrd and the board of education drew heavy criticism from backers of the

Manford Byrd Jr.

landmark school-reform bill. The new law, which takes effect July 1, calls for the dissolution of the current panel and for a nationwide search for a new superintendent.

Although Mr. Byrd received no salary increase, he will automatically be a finalist in the new board's superintendent search, under the resolution approved by the board. He would continue to receive his salary and serve as a consultant if a new superintendent is hired before next March, officials said.

■ **Sharon L. Rogers**, the wife of Capt. Will Rogers 3rd of the U.S. Navy, has left her 4th-grade teaching job at a private school near San Diego because of the safety concerns that were aroused by a bombing attempt on her life.

Ms. Rogers's husband is skipper of the U.S.S. Vincennes, which last summer mistakenly shot down an Iranian airliner in the Persian Gulf.

Her departure followed an emergency meeting of the La Jolla Country Day School's board of trustees, held two days after a bomb threat was called in to the school and six days after she narrowly escaped harm when a pipe bomb exploded under her van.

A school spokesman said Ms. Rogers and the board reached "a mutual decision" that she would not return to class "to ensure the safety of the children, the confidence of the parents, and the integrity of the educational environment of La Jolla Country Day School."

But local newspaper reports say Ms. Rogers told sources she wanted to continue teaching and was forced to give up her job. She was not available for comment last week.

■ Principal **Joe Clark** last week announced that he would go on sabbatical for a year beginning in September. Aecording to an aide, "he may never come back" to Eastside High School in Paterson, N.J..

Vincent Fusco, Mr. Clark's manager, said the controversial principal is considering several options for his future, including moving to Washington to work for the new national drug czar, former Secretary of Education William J. Bennett. A spokesman for Mr. Bennett, however, said that no job offer has been made.

The city council has twice asked the school board to fire Mr. Clark. But as of last week the board had not done so.

Correction

An article in the March 15 issue incorrectly reported that the Iowa State Education Association supported the state's newly enacted open-enrollment law. The I.E.A., an affiliate of the National Education Association, did not take a position on the bill during legislative debate.

It is the Nebraska Education Association, also an N.E.A. affiliate, that is supporting open-enrollment legislation under consideration in that state.

STATE CAPITALS

Efforts To End Election of Superintendents Stymied

By Peter Schmidt

The Tennessee Senate last week deferred action on a bill that would have ended the decades-old tradition of electing local school superintendents in 79 of the state's 139 school districts.

The deferment came after the bill had been heavily amended by rural interests.

Their amendment, approved by an 18-to-9 vote, essentially exempted eight thinly populated counties from the measure's provisions. Fearing that the change would render the proposal unconstitutional, the bill's backers withdrew it from the floor and returned it to the rules committee, where its fate is uncertain.

The measure, which is the top legislative priority of the state schoolboards association this year, is the latest in a wave of efforts in Southeastern states to abolish a practice that many school administrators criticize as a harmful intrusion of politics into education.

"If [there] has been a hot election, then any action the superintendent takes is judged to be political," said Daniel J. Tollett, executive director of the Tennessee School Boards Association.

Mr. Tollett claimed it is not unusual for elected superintendents to demote or fire staff members considered disloyal, to coddle ineffective but politically powerful administrators, and to give promotions and pay raises to potential challengers to discourage them from seeking office.

Proponents of change, however, acknowledge that they face an uphill battle. Previous attempts to switch to board-appointed superintendents in Tennessee and five other states in the region—Alabama, Florida, Georgia, Mississippi, and South Carolina—have been dealt overwhelming defeats by voters in statewide or local referenda.

"The Southeast leans toward the popular election of officers," noted Albert D. Brooks, executive secretary of the Tennessee Organization of School Superintendents, which backs the bill in its state. "There is a strong feeling, particularly in the rural counties, for the election of officials."

But as the population of these states becomes more urbanized, opponents of election say they are confident voters will eventually accept their argument that appointed superintendents are more competent in dealing with large school systems.

Phased-In Change

In its original form, the Tennessee bill, sponsored by Senator Douglas S. Henry Jr., a Nashville Democrat, would have allowed incumbent elected superintendents to run for one more term. After that, all superintendents would have had to be appointed by local school boards.

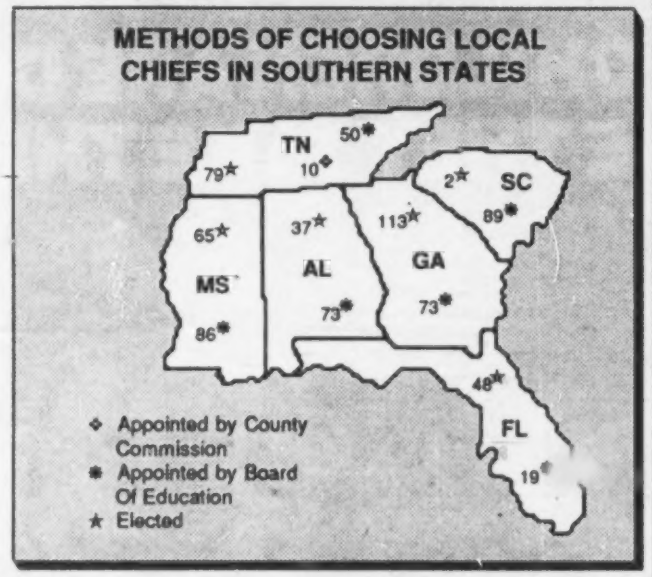
Advocates of the appointment system—which also include the Tennessee Business Roundtable and the state education department—hoped that their cause would be helped by the results of last year's elections, in which three out of four incumbents who faced opposition were turned out of office.

But their optimism was tempered by the fact that bills to change the system had been rejected by the legislature in three previous sessions.

"There's more politics in appointing a superintendent than there ever would be in electing one," said Senator Frank T. Lashlee, who offered the amendment to exempt the counties in his legislative district.

"There's no minimum qualification for school-board members," he continued. "Some of them can't even read or write. Are you going to tell me they are capable of going outside the realm of politics and appointing a superintendent?"

Senator Lashlee called the bill "just a blatant attempt by the schoolboards association to put the superintendents under their thumb." He said he doubted it would ever be passed by the Senate and predicted that, in that unlikely event, it certainly would be killed by the House.



Constitutional Questions

Senator Henry, meanwhile, said he removed the bill from the floor because he questioned whether it would withstand a constitutional challenge if it became law in its amended form. Exemptions from compliance with a law, he explained, must have a logical, and not a political, purpose.

Mr. Henry said he would attempt to remove the amendment in the rules committee, adding that he was still optimistic about its chances.

"It will take some persuasion of certain members, but that can be done by the associations that back the bill," he said.

In Alabama, meanwhile, the state board of education has directed Superintendent of Education Wayne Teague to push for passage of a recently introduced bill to abolish an election system affecting 39 of the state's 130 superintendents.

"I think it will pass by an overwhelming vote" if the proposal is placed on the state ballot, said Representative Stephen A. McMillan, chairman of the House education committee. "The largest counties all have appointed superintendents. Most of your elected superintendents are from the small rural counties that don't have as many votes."

Formidable Resistance

Advocates of similar measures in other states say resistance to the appointment of superintendents remains formidable.

"The elected superintendents are a pretty potent lobby against it in most states," observed Linton Deck, direc-

Continued on Page 12

Retirees in Arizona File Lawsuit Challenging School Taxes

By Ellen Flax

Attempts by Arizona lawmakers to reduce a controversial property tax that disproportionately affects residents of retirement communities threaten to reopen a longstanding argument about the state's large elderly population's responsibility to help finance public schools.

The new law, adopted last year, imposed a tax of 50 cents per $100 of assessed valuation on homes that do not lie within a school district's boundaries. The tax rate is to be increased by 50 cents a year until it reaches $4.72 in 1997.

Currently, the residents of all but about a dozen districts, which contain power plants and large industrial sites, are taxed at the $4.72 rate.

Last fall, residents of one of the state's largest retirement communities filed a lawsuit challenging the property tax in a state superior court. The suit by the Sun City Taxpayers Association alleges that the tax is unconstitutional because those who pay it are not eligible to vote in any school-board elections.

In addition, the suit argues that the tax is unfair because those subject to it would not be entitled to a 56 percent rebate that the state provides to other homeowners.

Bills that would lower the top tax rate on retirement-community residents to $2.36 and make them eligible for the rebate remain stalled in the legislature.

But lawmakers who represent residents of Sun City, Sun City West, and Youngtown, all large retirement communities affected by the new tax, believe a last-minute deal may still be possible.

Other lawmakers, though, argue that in a tight budget year, the state cannot afford to lose the estimated $3.75 million raised by the new tax.

Educators, meanwhile, contend that retirement-community residents who support both the lawsuit and the proposed tax changes are being short-sighted.

"They are not looking far enough down the road," said Mary Kay Haviland, director of government relations for the Arizona Education Association. "Those children they help to educate today will help pay Social Security tomorrow."

Antipathy between some of the retirement communities and local school districts in the Phoenix area date back to the mid-1970's. After numerous school-tax levies were defeated, primarily due to senior citizens' votes, the retirement havens were allowed to secede from the districts either by mutual consent or as a consequence of elections.

Hays Cape, an official of the Sun City taxpayers' group, said that residents of the community feel a strong obligation towards public education. He noted that they currently pay taxes to the county that support elementary and secondary schools and the local community-college system.

The new tax, Mr. Cape argued, will not necessarily benefit public schools because the revenues will flow directly into the state's general fund, rather than to districts.

'Hooked Too Much'

He also said that the residents of Sun City and other middle-to-upper-income retirement communities, which have a combined population of more than 60,000, demand fewer government services than surrounding areas.

"We are not against schools," Mr. Cape said. "We're just against being hooked too much for nothing."

Most legislators and educators, however, contend that these communities should pay a greater share of education costs.

Amending the new tax law, they say, will be especially unfair to residents of retirement communities elsewhere in the state that are part of organized school districts.

"The retired people in my district are paying their fair share of the tax," said Representative Peter Goudinoff, who represents a part of Tucson. "Why should one group clustered in one area escape their fair share?"

"The underlying philosophical question is whether or not you should only pay for services you use," said Judy Richardson, the state education department's director of school finance.

"Even if your police force costs less in Sun City, if you go into Phoenix, you still don't want to be mugged," she said. "You have an interest in services provided in other areas as well."

STATE JOURNAL

Bellmon's next move

■ Lobbyists' lobby prevails in Topeka

Henry Bellmon has decided not to seek another term as Oklahoma's governor, opting instead to focus his efforts on constitutional reform.

"The advantages of the incumbency are considerable and I have little doubt that should I become a candidate for governor I could be re-elected" in 1990, Mr. Bellmon said in a March 16 statement. "However, there are remaining tasks which cannot be accomplished by a governor who is running for re-election."

In the statement, Governor Bellmon said the existing constitution has diffused executive-branch authority among more than 200 boards, agencies, and commissions, making the job of governing "extremely difficult."

"In effect, dozens of little 'czars' are in control," he continued. "Oklahoma state government needs to be more accountable and more responsible to the people. I believe that a 21st-century state constitution is the greatest legacy I can leave Oklahoma."

Mr. Bellmon also noted that although "education is said to be our top priority, . . . the constitution hampers local support of common education and creates conflicts in higher education."

Last year, the Governor created a task force to study the constitution and recommend changes. The group is expected to release its report by early fall.

Wendy Johnson, Mr. Bellmon's assistant press secretary, said the Governor plans to spend much of his next 21 months in office raising funds in support of a petition drive to place the proposed reforms on the 1990 general-election ballot.

■

Kansas school districts will once again be able to hire lobbyists to take their cases to state lawmakers, under a bill signed recently by Gov. Mike Hayden.

Last year, the state's attorney general issued an opinion that challenged the right of districts to use taxpayer dollars to pay lobbyists' salaries. The ruling, however, did not prohibit more affluent districts from continuing their practice of assigning a full-time employee to legislative activities.

As a result, this year there were only three lobbyists roaming the state capitol halls on behalf of Kansas districts.

The Kansas Association of School Boards was one of several education groups that lobbied in favor of the bill.

Norman Reynolds, the group's director of educational services, said the issue was one of fairness.

"The ability to lobby the legislature should not be the function of [a district's] size," he said.

—T.M. & E.F.

LEGISLATIVE UPDATE

The following are summaries of final action by legislatures on education-related matters.

ARKANSAS

Governor:
Bill Clinton (D)
FY 1990-91 state budget:
$3.5 billion
FY 1990-91 K-12 budget:
$1.7 billion

Bill Clinton

FY 1989-90 K-12 budget:
$1.6 billion
Percent change K-12 budget:
+6 percent

Highlights

- Approved school-choice bill to allow students to transfer to public schools outside their home districts.
- Required merger of districts in which fewer than 85 percent of students pass state's Minimum Performance Test, and that fail to show "reasonable progress" toward improvement within two years.
- Made kindergarten attendance mandatory. Requirement can be lifted for children whose parents sign waivers.
- Required districts to set minimum salary of $16,000 for teachers.
- Authorized annual school "report cards." Implementation contingent on raising $500,000 in new revenue.
- Governor expected to call special session on tax reform. If new revenues become available, will likely press for teacher pay raises, more aid for preschools and scholarships.

GEORGIA

Governor:
Joe Frank Harris (D)
FY 1990 state budget:
$7.5 billion
FY 1990 K-12 budget:
$2.7 billion
FY 1989 K-12 budget:
$2.3 billion
Percent change K-12 budget:
+17 percent

Highlights

- Raised sales tax by 1 cent; earmarked 46 percent, or $315 million, of new revenues for elementary and secondary education.

Joe Frank Harris

- Budget includes $68.1 million for a 3 percent salary increase for teachers and for improvements in salary schedule; $115 million for school construction; $97-million increase in funding for Quality Basic Education Act; $19.9 million for special instructional-assistance program; $8.9 million for in-school suspension programs in high schools.
- House rejected Senate-passed bill to establish lottery.

NEW MEXICO

Governor:
Garrey E. Carruthers (R)
FY 1990 state budget:
$1.72 billion
FY 1990 K-12 budget:
$863 million

Garrey E. Carruthers

FY 1989 K-12 budget:
$803 million
Percent change K-12 budget:
+8 percent

Highlights

- Senate-approved open-enrollment bill modeled on Minnesota program died in House.
- Raised teacher pay by 5 percent for FY 1990; provided 5 percent bonuses for last three months of FY 1989.
- Provided for free tuition and books at any college or university in the state for top students from families with incomes below $30,000.

Elected Chiefs: Southern Tradition Persists

Continued from Page 10

tor of educational services for the Center for Creative Leadership, a North Carolina-based research group that promotes innovative management practices. The concept of appointing superintendents, he added, "sounds anti-democracy" to some.

In many rural areas of Mississippi, "people feel that the first step to losing their rural identity is to take an elected official off the ballot," said Andrew P. Mullins, special assistant to the state school chief.

The 65 Mississippi districts that have elected superintendents held referenda last November to determine if they would switch to systems of appointment. In every district, the change was defeated.

In Florida, where 48 of 67 districts elect their superintendents, proposals to change to systems of appointment were defeated in five of the six districts that held referenda during the past four years.

And in Georgia, where 113 of 186 superintendents are elected, education officials say hopes of changing the system at the local level were dampened by the results of a state referendum, held last fall. In that balloting, 61 percent of the voters opposed a proposal to allow for the appointment of the state superintendent.

Experience and Accountability

Proponents of change say the debate over election versus appointment essentially involves the issues of experience and accountability.

Donald S. Van Fleet, director of the Florida education department's division of public schools, said districts that appoint their superintendents are able to look beyond their borders for potential candidates, and thus have a much larger and more experienced pool to select from.

That does not stop highly qualified local administrators from rising to the top in elected districts, he noted.

In addition, Mr. Van Fleet said, "the people who like the idea of elected superintendents will tell you they are more responsive because they have to get re-elected. An appointed superintendent can be more aloof."

Proponents of appointment challenge that argument, saying that elected superintendents are less accountable because they frequently sacrifice long-term goals for short-term political gains and may try to pass the blame for their failures onto the elected school boards.

In addition, the proponents say, because the challenger to an incumbent often comes from within the school system, elections can leave a district politically divided and lead to civil suits from teachers and administrators who claim their careers were harmed because of their failure to back the winner.

But according to Robert W. Hughes, the elected superintendent in Seminole County, Fla., "politics is not something that's totally reserved for elected superintendents."

"Anyone who says that appointment is immune from that is naive," he said. "It is an insult to the intelligence of the voters of any school district to say they are not capable of deciding who they want to work with their children."

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Asbestos Tally Shows Private Schools Lag

Continued from Page 1

After districts and some education associations complained that the first deadline was too tight, the Congress last summer amended the law to allow schools that had made a "good faith" effort to comply with the measure to request deferrals until May 9. But the deferral requests were also required by the October deadline.

The Congress mandated that the E.P.A. collect information about states' compliance rates.

According to the report, which includes information from 44 states and the District of Columbia, Puerto Rico, and the Virgin Islands, about half of the schools that met the first deadline submitted management plans and about half requested deferrals.

Of the 21 percent of schools in noncompliance, 14 percent submitted nothing to state authorities and 7 percent had their deferrals rejected or submitted their information after the deadline.

In a statement released by the E.P.A., agency officials said they were generally pleased with the compliance rate.

"Most of our nation's schools have been very conscientious about E.P.A.'s asbestos rules," the statement reads. "For those schools that haven't been, we have a detailed enforcement strategy to protect schoolchildren from exposure to asbestos."

The E.P.A.'s compilation found wide variations by state in the percentage of schools that met the first deadline. The data, which do not separate the compliance rates of public and private schools, show that all schools in Arkansas, West Virginia, and the Virgin Islands met the October deadline, and that 99 percent of the schools in Nebraska and Wyoming were in compliance.

A total of 16 states had compliance rates of 90 percent or higher.

In contrast, five states—Indiana, Maine, Massachusetts, Mississippi, and Virginia—as well as the District of Columbia and Puerto Rico, had noncompliance rates that exceeded 10 percent.

In the states with the highest compliance rates, on average, many more districts submitted management plans than sought deferrals.

Private-School Variations

A separate E.P.A. document, which agency officials said last week was not yet in its final form, shows dramatic differences in the compliance rates of public and private schools in 19 states, the District of Columbia, Puerto Rico, and the Virgin Islands.

According to this document, all public schools in 10 states and the three other locations have met the October deadline. But private-school compliance rates in 10 states, Puerto Rico, and the District of Columbia hover at or below 70 percent.

Agency officials said that private schools lagged behind public schools because they were less likely to be informed about the law's requirements and because some had found compliance too financially taxing.

Agency officials said they had no plans to create special informational programs for private schools. By last week, they said, the E.P.A. had begun to send out notices of noncompliance to all schools that did not meet the deadline.

Richard Duffy, the staff associate for educational/institutional concerns at the U.S. Catholic Conference, said the schools his organization represents would face even greater fiscal problems when "the other shoe drops"—when schools will be required to start implementing their plans.

"We anticipate that when it comes to abatement efforts, we will have some difficulty," he said.

Personnel Shortage

Although most schools were able to meet the law's first hurdle, anecdotal evidence suggests that both schools and states may be having problems meeting all of the law's requirements.

In Pennsylvania, an audit by a regional E.P.A. office has found, little has been done to review plans submitted by schools. Due to a shortage of personnel, as of mid-December, only 3 out of the more than 400 management plans submitted by the deadline had been reviewed, said Dennis Dealy, the office's supervisory auditor.

All three plans were returned to the schools for further modifications, he said.

Late last week, Gov. Robert P. Casey gave $200,000 to the state's Department of Environmental Resources to hire 10 new reviewers.

The audit, which compared Pennsylvania's asbestos program to those in surrounding states, reported that 90 percent of the plans submitted to Maryland authorities were also rejected, said Mr. Dealy.

We're working to reduce the number and severity of injuries among secondary school athletes.

But that's not to say we're working alone.

"AASA supports the NATA's call for the establishment of minimum health care standards for all of the nearly six (6) million high school athletes in the U.S."
—American Association of School Administrators

"....On behalf of (our) 1,000 members, most of whom are team physicians, the AOSSM will participate actively in the NATA (injury management) program and (we) endorse the concept that one effective means of enhancing the safety of athletic programs in U.S. high schools is to procure the services of a certified health care professional, ideally a NATA-certified athletic trainer or professional with equivalent credentials."
—American Orthopaedic Society for Sports Medicine

"The risk of injury and/or re-injury to secondary school athletes can be reduced if more high schools retain the services of either certified athletic trainers or other allied health care professionals with similar credentials to work in conjunction with physicians and school nurses."
—National Association of School Nurses

"One means by which to effectively enhance safety and reduce risk of injury and liability is to procure the services of a certified health care professional, ideally a NATA-certified athletic trainer or a professional with equivalent credentials."
—American College Health Association

"An NATA-certified athletic trainer is one of the most valuable means by which we can minimize risk of injuries to high school athletes."
— National High School Athletic Coaches Association

In sincere appreciation of their continued support and cooperation, we're proud to recognize some of the other organizations that endorse the NATA's program to minimize risk of injury, and enhance the health and well-being of high school athletes:

The American Academy of Podiatric Sports Medicine
The American Kinesiotherapy Association
The American Trauma Society
The National Academy of Sports Vision
The National Association for Girls and Women in Sport
The National Association for Sport and Physical Education

NATIONAL ATHLETIC TRAINERS' ASSOCIATION
NATA
1950

NATA
Booth #908
The American School Administrators Convention
Booth #322
The National School Board Association Convention

Federal Asbestos Law Compliance Statistics

	L.E.A.'s Reporting	Management Plans Submitted	Deferral Request Approved	No Plan/ No Deferral	Unapproved Deferral Late	Compliance Rate	Noncompliance Rate
Alabama[1]	428	270	148	0	1	99.8%	0.2%
Alaska	135	64	54	10	7	87.4	12.6
Arizona	441	172	142	101	26	71.2	28.8
Arkansas	510	453	57	0	0	100.0	0.0
California	4224	1044	1984	1020	176	71.7	28.3
Colorado[2]	579	1216	874	48	17	97.0	3.0
Connecticut	566	36	333	111	86	65.2	34.8
Delaware	129	73	21	32	3	72.9	27.1
District of Columbia	104	13	48	43	0	58.7	41.3
Florida[1]	1206	383	574	0	186	83.7	16.3
Georgia[1]	619	428	56	0	215	69.2	30.8
Hawaii	91	47	32	12	0	86.8	13.2
Idaho	193	137	44	1	11	93.8	6.2
Illinois[3]	1910	2105	3497	835	133	85.3	14.7
Indiana[3]	824	763	993	566	600	58.5	41.5
Iowa	723	458	243	11	11	97.0	3.0
Kansas	603	429	151	19	1	96.7	3.3
Kentucky[1]	466	1054	558	0	112	93.5	6.5
Louisiana[2]	361	91	227	104	15	72.8	27.2
Maine	367	79	237	48	180	58.1	41.9
Maryland	918	362	286	214	36	72.8	27.2
Massachusetts	736	173	285	279	19	59.5	40.5
Michigan	1416	357	739	315	5	77.4	22.6
Minnesota	1134	883	151	100	0	91.2	8.8
Mississippi[1]	322	813	195	384	481	53.8	46.2
Missouri	1160	771	315	53	21	93.6	6.4
Montana[2]	978	695	235	73	6	92.2	7.8
Nebraska	1077	1010	58	0	9	99.2	0.8
Nevada	74	35	27	8	4	83.8	16.2
New Hampshire	290	143	135	12	0	95.9	4.1
New Jersey	1757	323	980	423	51	73.0	27.0
New Mexico	297	185	80	32	0	89.2	10.8
New York	3661	357	2666	586	72	82.6	17.4
North Carolina[2]	478	274	197	8	22	94.0	6.0
North Dakota	342	250	86	0	17	95.0	5.0
Ohio	1485	503	625	340	17	76.0	24.0
Oklahoma[2]	855	549	316	38	106	85.7	14.3
Oregon	726	353	246	116	11	82.5	17.5
Pennsylvania[2]	2559	715	796	734	328	58.7	41.3
Puerto Rico	643	10	312	319	2	50.1	49.9
Rhode Island	107	3	94	10	0	90.7	9.3
South Carolina[1]	511	187	166	0	176	66.7	33.3
South Dakota	284	113	91	22	58	71.8	28.2
Tennessee[2]	639	97	317	118	107	64.8	35.2
Texas[2]	2342	1479	535	14	437	81.7	18.3
Utah	77	39	27	5	6	85.7	14.3
Vermont	124	60	46	16	2	85.5	14.5
Virgin Islands	42	0	42	0	0	100.0	0.0
Virginia[2]	792	286	167	332	22	56.1	43.9
Washington	752	395	166	65	126	74.6	25.4
West Virginia	174	97	77	0	0	100.0	0.0
Wisconsin	1336	586	699	51	0	96.2	3.8
Wyoming	100	72	27	1	0	99.0	1.0
Total[4]	42,667	21,819	21,367	7,599	4,911	79.1	20.9

[1] Information based on limited data provided by the state.
[2] The total of the categories is greater than the total number of L.E.A.'s due to counting separate submissions for schools within one L.E.A. Compliance rates are based on the total number of submissions.
[3] Data provided for schools only. Compliance rate based on total number of schools.
[4] The National rates exclude the reports from Alabama, Florida, Georgia, Kentucky, Mississippi, and South Carolina due to the limited data provided by these states.

SOURCE: Environmental Protection Agency

Senate Bill Targets Loan Defaults

WASHINGTON—The Senate has unanimously approved a bill aimed at curbing student-loan defaults.

But the measure faces an uncertain reaction in the House, where key lawmakers are waiting to see the Education Department's new regulations on the issue.

The Senate bill, sponsored by Claiborne Pell, Democrat of Rhode Island, is almost identical to one that passed in the Senate last year. That proposal died, however, when House leaders decided to postpone consideration until the department acted.

The Senate bill would require any lender, school, or guarantee agency with a default rate of 25 percent or more to develop a default-management plan. If a school's rate did not fall below 25 percent within three years, the state guarantee agency could recommend that it be suspended or terminated from the program.

The Senate bill "won't change our strategy at all," said Rick Jerue, staff director of the House Subcommittee on Postsecondary Education. "We are still waiting for the Administration's regulations."

Mahlon Anderson, an Education Department spokesman, said last week that the rules would be issued in late spring or early summer.—M.W.

Temporary Appointees Named to 6 Top E.D. Posts

WASHINGTON—Temporary appointments were announced last week for six senior Education Department positions vacated by the resignations of Reagan Administration appointees.

The appointments will last until President Bush nominates his permanent choices for the posts, and the Senate confirms them.

The following officials were named to serve in an acting capacity:

- Patricia McGill Smith, assistant secretary for special education and rehabilitative services, succeeding Madeleine C. Will. Ms. Smith had been deputy assistant secretary in that office.
- Jim Williams, assistant secretary for postsecondary education, succeeding Kenneth D. Whitehead. Mr. Williams had been a special assistant in that office.
- William L. Smith, assistant secretary for civil rights, succeeding LeGree S. Daniels. Mr. Smith most recently was a special adviser to Bonnie F. Guiton, assistant secretary for vocational and adult education.
- Daniel Bonner, assistant secretary for elementary and secondary education, succeeding Beryl Dorsett. Mr. Bonner had been acting deputy assistant secretary in that office.
- Bruno Manno, assistant secretary for educational research and improvement, succeeding Patricia M. Hines. Mr. Manno had been chief of staff and acting deputy assistant secretary for policy in that office.
- Gary Rasmussen, deputy undersecretary for management, succeeding Patrick Pizzella. Mr. Rasmussen had been acting administrator for management services in that office.

—R.R.W.

CAPITAL UPDATE

Capital Update tracks the movement of legislation, the introduction of notable bills, and routine regulatory announcements.

Legislative Action

Head Start Authorization
H R 1300
The House last week passed a bill that would increase the 1990 authorization ceiling for the Head Start preschool program by $147 million, to $1.6 billion. The increase would accommodate President Bush's budget request for the program.

School Lunch
H R 24
The House Elementary, Secondary, and Vocational Education Subcommittee held a hearing last week on legislation to reauthorize child-nutrition programs.

Student-Loan Defaults
S 568
The Senate March 17 passed a bill aimed at curbing student-loan defaults. The measure would require institutions to reduce their default rate to below 25 percent within three years or face possible suspension or termination from the program.

Vocational-Education Reauthorization
H R 7; H R 22, H R 1128
The House Elementary, Secondary, and Vocational Education Subcommittee last week held its final hearing on the reauthorization of the Carl D. Perkins Vocational Education Act, with testimony from Secretary of Education Lauro F. Cavazos. The subcommittee's markup session on the bill is scheduled for April 12.

In the Education Department

Even Start
Final Regulations
The Education Department has published final regulations for the new Even Start program. The new rules alter the wording of some sections and slightly change the criteria by which applications are to be judged. The rules, published in the March 23 *Federal Register*, are to take effect in May.

Impact Aid
Proposed Regulations
The Education Department has proposed regulations implementing changes in the impact-aid program made by last year's reauthorization law and clarifying some current department policies. The regulations were published in the March 23 *Federal Register*, and comments are due June 21.

Student Aid
Proposed Regulations
The Education Department has proposed regulations to curb abuses in student-aid programs. The rules would clarify policies relating to institutions with more than one branch and the liability of individuals, require institutions to give department officials access to financial information, and allow only remedial courses at the high-school level or above to be paid for with federal aid. The rules were published in the March 17 *Federal Register*, and comments are due May 1.

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